THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.455 of 2006

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27th April 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 08.09.2005 in W.P.No.19475 of 2005 on the file of the High Court.)

Between:

The Depot Manager, APSRTC, Huzurabad Depot, Karimnagar District.

...APPELLANT

AND

G.S.Sivudu, S/o.Veeresham, Conductor, 40 years, Jammikunta, Karimnagar, Karimnagar District.

...RESPONDENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.455 OF 2006

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides.

At their request, the Writ Appeal itself is taken up for disposal at the admission stage.

The appellant/Corporation seeks to assail the order dated 08.09.2005 allowing the Writ Petition being W.P.No.19475 of 2005 filed by the respondent/employee for a mandamus declaring the impugned office order dated 27.10.1995 directing stoppage of increments with cumulative effect without conducting any departmental enquiry as illegal and arbitrary and set aside the same with all consequential benefits.

Having heard on either side and on perusal of the material available on record, the only question that arises for consideration is that the punishment of stoppage of annual increment for a period of one year without cumulative effect is a major one, which definitely calls for an enquiry. Further, in the similar circumstances, as per the common judgment dated 10.04.2006 in W.A.No.340 of 2006 & batch, this Court held that such punishment would amount to a major punishment and therefore, it calls for an enquiry without which, the said proceedings are vitiated. Following the same, we do not find any merits in the appeal.

Accordingly, the Writ Appeal is dismissed. No costs.

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(B.PRAKASH RAO, J)

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(D.APPA RAO, J)

27th April 2006

RRB

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